



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

DEC 21 2007

REPLY TO THE ATTENTION OF

(AE-17J)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Eric Lofquist, President
General Environmental Management LLC
2727 Transport Road
Cleveland, Ohio 44115

Re: Finding of Violation for General Environmental Management,
Cleveland, Ohio

Dear Mr. Lofquist:

This is to advise you that the U.S. Environmental Protection Agency (EPA) has determined that the General Environmental Management LLC facility at 2727 Transport Road, Cleveland, Ohio (GEM) is in violation of the Clean Air Act (Act). A list of the requirements violated is provided below. We are today issuing to you a Finding of Violation (FOV) for these violations.

Section 112(b) of the Act established a list of hazardous air pollutants (HAPs) and provided that EPA shall add to the list additional pollutants that may present a threat of adverse human health effects through inhalation or other routes of exposure. Section 112(d) provides that EPA shall promulgate regulations establishing emission standards for each category or subcategory of major sources and area sources of listed HAPs.

On July 1, 1996, EPA promulgated the National Emission Standards for Hazardous Air Pollutants for Off-Site Waste and Recovery Operations (OSWRO MACT), 40 C.F.R. Part 63, Subpart DD. The OSWRO MACT includes the following requirements:

- 1) Owners or operators of off-site material management units must meet one of three options for reducing emission of HAPs.

- 2) Owners or operators of process vents must meet one of two options for reducing emissions of HAPs.
- 3) Owners or operators must obtain approval from the Administrator (of EPA) before constructing a new source subject to the OSWRO MACT.
- 4) Owners or operators of affected sources must develop and implement and Startup, Shutdown, and Malfunction Plan.

EPA finds that GEM is subject to the OSWRO MACT and has violated the above listed OSWRO MACT requirements. This list does not necessarily include all of the OSWRO MACT requirements that GEM may be violating.

Section 502 of the Act established requirements owners or operators of major sources to apply for and obtain operating permits pursuant to Title V of the Act. EPA also finds that GEM is operating a major source and has not applied for or obtained an operating permit pursuant to Title V of the Act.


Section 113 of the Act gives us several enforcement options to resolve these violations, including: issuing an administrative compliance order, issuing an administrative penalty order, bringing a judicial civil action, and bringing a judicial criminal action. The option we select, in part, depends on the efforts taken by GEM to correct the alleged violations and the timeframe in which you can demonstrate and maintain continuous compliance with the requirements cited in the FOV.

Before we decide which enforcement option is appropriate, EPA is providing you with the opportunity to request a conference with us about the violations alleged in the FOV. This conference will provide you a chance to present information on the identified violations, any efforts you have taken to comply, and the steps you will take to prevent future violations. Please plan for your facility's technical and management personnel to take part in these discussions. You may have an attorney represent and accompany you at this conference.

The EPA contact in this matter is Erik Hardin.. You may call him at (312) 886-2402 if you wish to request a conference. EPA

hopes that this FOV will encourage GEM's compliance with the requirements of the Clean Air Act.

Sincerely,

for 
Stephen Rothblatt, Director
Air and Radiation Division

Enclosure

cc: Robert Hodanbosi, Chief
Division of Air Pollution Control
Ohio Environmental Agency

Richard L. Nemeth, Commissioner
Division of Air Quality
Cleveland Department of Public Health

**United States Environmental Protection Agency
Region 5**

IN THE MATTER OF:)	FINDING OF VIOLATION
)	
General Environmental)	EPA-5-08-OH
Management LLC,)	
Cleveland, Ohio)	
)	
)	
Proceedings Pursuant to)	
the Clean Air Act,)	
42 U.S.C. §§ 7401 <u>et seq.</u>		

FINDING OF VIOLATION

General Environmental Management LLC (GEM) owns and operates an off-site wastewater treatment facility at 2727 Transport Road, Cleveland, Ohio.

U.S. Environmental Protection Agency (EPA) is sending this Finding of Violation (FOV) to you because we find that you are subject to and have failed to demonstrate compliance with the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Off-Site Waste and Recovery Operations (OSWRO), subpart DD at 40 C.F.R. § 63.680. This FOV includes several of the NESHAP provisions that EPA finds you are violating, but the FOV does not necessarily include all of the provisions that you may be violating. EPA also finds that you have failed to apply for and obtain an operating permit as required by Title V of the Clean Air Act (Act).

EPA is providing you with the opportunity to request a conference with us to discuss the violations alleged in the FOV. This conference will provide you a chance to present information on the identified violations, any efforts you have taken to comply, and the steps you will take to prevent future violations. Please plan for your technical and management personnel to take part in these discussions. You may have an attorney represent and accompany you at this conference.

Explanation of Violations

- 1) The following provisions of the NESHAP regulations are relevant to this FOV:
 - a) The NESHAP at 40 C.F.R. § 63.680(a) establish that the NESHAP regulations for OSWRO apply to the owner or operator of a plant site that:
 - i) is a major source of hazardous air pollutant (HAP) emissions as defined in the NESHAP regulations at 40 C.F.R. § 63.2;
 - ii) receives "off-site material" as defined in 40 C.F.R. §§ 63.680(b) and 63.681; and
 - iii) has located at the site a waste management operation or recovery operation as specified in 40 C.F.R. § 63.680(a)(2), and defined in § 63.681.
 - b) The NESHAP at 40 C.F.R. § 63.2 define "major source", in relevant part, as any stationary source that emits or has the potential to emit, in the aggregate, 10 tons per year of any one HAP or 25 tons per year of any combinations of HAPs.
 - c) The NESHAP at 40 C.F.R. §§ 63.681 and 63.680(b) define "off-site material" as a waste, used oil, or used solvent that is not produced or generated within the plant site and contains one or more HAPs.
 - d) The NESHAP at 40 C.F.R. § 63.681 define "off-site material management unit" as a tank, container, surface impoundment, oil-water separator, organic-water separator, or transfer system used to manage off-site material.
 - e) The NESHAP at 40 C.F.R. § 63.683(b)(1) establish three possible control requirements for off-site material management units that are part of an affected source, including meeting control requirements, removing the hazardous air pollutants (HAPs) from the off-site material before it is processed in the management units, or only processing off-site material with a low volatile HAP (VOHAP) content.
 - f) For owners or operators of off-site material

management units who choose to meet the control requirement option, the NESHAP at 40 C.F.R. § 63.683(b)(1)(i) require control of air emissions from each off-site material management unit in accordance with the applicable standards specified in 40 C.F.R. §§ 63.685 through 63.689.

- g) For owners or operators of off-site material management units who chose to meet the removal requirement option, the NESHAP at 40 C.F.R. § 63.683(b)(1)(ii) require removal or destruction of HAP in the off-site material before placing the material in the off-site waste management unit by treating the material in accordance with the standards specified by 40 C.F.R. § 63.684.
- h) For owners or operators of off-site material management units who chose to meet the low VOHAP content option, the NESHAP at 40 C.F.R. § 63.683(b)(1)(iii) require determination before placing the off-site material in the off-site material management unit that the average VOHAP concentration of the off-site material is less than 500 parts per million by weight (ppmw) at the point of delivery, using the procedures in 40 C.F.R. § 63.694(b).
- i) The NESHAP at 40 C.F.R. § 63.681 define "process vent" as an open-ended pipe, stack, or duct through which a gas stream containing HAP is continuously or intermittently discharged to the atmosphere from any of the processes listed in 40 C.F.R. § 63.680(c)(2)(i) through § 63.680(c)(2)(vi).
- j) The NESHAP at 40 C.F.R. § 63.680(c)(2)(vi) list process equipment associated with process vents for gas stripping processes as affected sources and describes gas stripping processes as desorption processes or methods used to transfer one or more volatile compounds from a liquid mixture into a gas stream either with or without the application of heat.
- k) The NESHAP at 40 C.F.R. § 63.683(c) require that owners or operators of process vents either control air emissions from the process vent or limit the VOHAP concentration of material before it is processed in the unit associated with the process vent.

- l) For owners or operators of process vents who chose to meet the control requirement option, the NESHAP at 40 C.F.R. §§ 63.683(c)(1)(i) and 63.690 require routing of the vent stream from each process vent through a closed-vent system to a control device that meets the standards specified in 40 C.F.R. § 63.693.
- m) The NESHAP at 40 C.F.R. § 63.680(f) provide that certain requirements in the General Provisions of the NESHAP of 40 C.F.R. Part 63, Subpart A, apply to Subpart DD OSWRO facilities. Table 2 of 40 C.F.R. Part 63, Subpart DD specifies which Subpart A requirements an OSWRO facility must meet.
- n) The NESHAP at 40 C.F.R. § 63.5(b)(3), made applicable by Table 2 of 40 C.F.R. Part 63, Subpart DD, require owners or operators to obtain written approval from the Administrator prior to constructing a new source.
- o) The NESHAP at 40 C.F.R. § 63.2, made applicable by Table 2 of 40 C.F.R. Part 63, Subpart DD, define "new source" as any affected source the construction or reconstruction of which is commenced after the Administrator first proposes a relevant emission standard under this part establishing an emission standard applicable to such source.
- p) The Administrator first proposed 40 C.F.R. Part 63, Subpart DD, on October 13, 1994.
- q) The NESHAP at 40 C.F.R. § 63.6(e)(3), made applicable by Table 2 of 40 C.F.R. Part 63, Subpart DD, require owners or operators to develop and implement a Startup, Shutdown, and Malfunction Plan.
- r) The NESHAP at 40 C.F.R. § 63.680(e)(1)(i), specify that the owner or operator of an affected source that commenced construction or reconstruction before October 13, 1994, and received off-site material for the first time before February 1, 2000, must achieve compliance with the provisions of 40 C.F.R. part 63, subpart DD, on or before February 1, 2000.
- s) The NESHAP at 40 C.F.R. § 63.680(e)(2), specify that the owner or operator of an affected source that commenced construction or reconstruction on or after October 13, 1994, must achieve compliance with the

provisions of 40 C.F.R. part 63, subpart DD, on or before July 1, 1996, or upon initial startup of operations, whichever date is later as provided in 40 C.F.R. § 63.6(b).

- t) Section 502 of the Act, 42 U.S.C. § 7661a, published 57 Fed. Reg. 32295, July 21, 1992, and its implementing regulations at 40 C.F.R. Part 70 prohibit an owner or operator of a major source from operating without a permit issued pursuant to Title V of the Act. The State of Ohio Title V operating permit program was granted approval from EPA on August 15, 1995, with an effective date of October 1, 1995. 60 Fed. Reg. 42045.
 - u) Title V of the Act at 40 C.F.R. § 70.2 defines "major source", in relevant part, as any stationary source that emits or has the potential to emit, in the aggregate, 10 tons per year of any one HAP or 25 tons per year of any combinations of HAPs.
- 2) General Environmental Management LLC owns and operates a plant that is located at 2727 Transport Road in Cleveland, Ohio (GEM or the facility). GEM processes off-site material (industrial wastewaters and used oil) in tanks, containers, oil-water separators or transfer systems at the facility.
 - 3) There are no legal restrictions that specifically limit the HAP content of the off-site materials GEM processes.
 - 4) GEM's facility is a waste management operation or recovery operation as specified in 40 C.F.R. § 63.680(a).
 - 5) On January 18, 2007, EPA, Region 5 obtained a sample in an evacuated canister of the air being emitted from the stack the serves the immobilized cell bioreactors (ICBUs) at GEM.
 - 6) On January 31, 2007, EPA, Central Regional Laboratory analyzed the sample taken from the ICBU stack and found, among other compounds, toluene at a concentration of 52.3 parts per million by volume.
 - 7) These results demonstrate that the ICBUs alone have the potential to emit toluene at a rate greater than 10 tons per year.

- 8) On May 28, 1998, a test was conducted of the emissions from one of two identical process heaters that are currently owned and operated by GEM. The results of this testing demonstrated an average hourly emission rate of 1.963 pounds of hydrogen chloride (HCl) per hour.
- 9) Because there are no operational restrictions on these process heaters, this test result demonstrates a potential to emit of more than 8.5 tons of HCl per year. Because each process heater is nearly identical and burns the same fuel, the total potential to emit HCl from the two process heaters combined is more than 17 tons per year.
- 10) During a July 11 and 12, 2007, inspection at GEM, EPA, Region 5 was informed by GEM representatives that the process heaters currently burn the same fuel burned at the time of the May 28, 1998, performance test.
- 11) For the above-listed reasons, EPA finds GEM is a major source of HAPs and is subject to 40 C.F.R. Part 63, Subpart DD.
- 12) GEM operates several off-site material management units.
- 13) GEM does not meet any of the options listed in 40 C.F.R. § 63.683(b)(1) that apply to off-site material management units. This is a continuing violation of 40 C.F.R. § 63.683(b)(1).
- 14) The ICBUs at GEM function in part as a gas stripping process, making the stack serving the ICBUs a process vent.
- 15) GEM does not meet any of the options listed in 40 C.F.R. § 63.683(c) that apply to process vents. This is a continuing violation of 40 C.F.R. § 63.683(c).
- 16) GEM constructed the ICBUs after October 13, 1994, but did not obtain written approval from the Administrator prior to construction. This is a violation of 40 C.F.R. § 63.5(b)(3).
- 17) GEM has not developed and implemented a Startup, Shutdown, and Malfunction Plan. This is a continuing violation of 40 C.F.R. § 63.6(e)(3).
- 18) GEM has not applied for and obtained an operating permit issued in accordance with Title V of the Act. This is a

continuing violation of Section 502 of the Act and
40 C.F.R. Part 70.

Environmental Impact of Violations

- 19) Violations of HAP standards may cause serious health effects including birth defects and cancer. HAPs may also cause harmful environmental and ecological effects.

12/21/07
Date

William L. MacDonell
for Stephen Rothblatt, Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Finding of Violation, No. EPA-5-08-OH- , by Certified Mail, Return Receipt Requested, to:

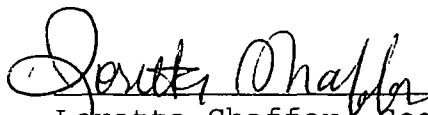
Eric Lofquist, President
General Environmental Management LLC.
2727 Transport Road
Cleveland, Ohio 44115

I also certify that I sent copies of the Finding of Violation by first class mail to:

Robert Hodanbosi, Chief
Division of Air Pollution Control
Ohio Environmental Agency
Lazarus Government Center
P.O. Box 1049
Columbus, Ohio 43216-1049

Richard L. Nemeth, Commissioner
Division of Air Quality
Cleveland Department of Public Health
Penton Media Building - 4th Floor
1300 East 9th Street
Cleveland, Ohio 44114

on the 21 day of December, 2007.


Loretta Shaffer, Secretary
AECAS, (MN/OH)

CERTIFIED MAIL RECEIPT NUMBER: 7001 0330 0005 8919 1723